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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 11/064,847  | 02/25/2005  | Philip W. Southern   | 70394-0010          | 2916             |
| 22902   | 7590        | 04/30/2007           | EXAMINER            |                  |
| CLARK & BRODY<br>1090 VERMONT AVENUE, NW<br>SUITE 250<br>WASHINGTON, DC 20005 |             |                      | KRECK, JOHN J       |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 3673                |                  |
|   |             |                      | MAIL DATE           | DELIVERY MODE    |
|   |             |                      | 04/30/2007          | PAPER            |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                               |                                     |  |
|------------------------------|-------------------------------|-------------------------------------|--|
| <b>Office Action Summary</b> | Application No.<br>11/064,847 | Applicant(s)<br>SOUTHERN, PHILIP W. |  |
|                              | Examiner<br>John Kreck        | Art Unit<br>3673                    |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                 | 5) <input type="checkbox"/> Notice of Informal Patent Application                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### *Drawings*

1. Figures 1-6 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated---Figures 1-6 appear substantially identical to figures 1-6 in US 6,540,304 and 2001/0045472A1--- See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the groove located as called for in claims 11 and 12 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

### *Claim Objections*

3. Claim 1 is objected to because of the following informalities: in line 5, "fitting" lacks clear antecedent basis. It has been interpreted as "coupling". Appropriate correction is required.

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Claim 2 is objected to because of the following informalities: in line 5, "fitting" lacks clear antecedent basis. See also element c, at line 3. Fitting has been interpreted as "coupling". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 12 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 12 is unclear, and appears to contradict claim 11: claim 11 requires "the one half...has a groove" and claim 12 requires: "the groove...between the one half... and the...nozzle". It is not clear how the groove can be part of the half, and also be between the half and the nozzle.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 2, 7, and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Newbegin (U.S. Patent number 5,253,807).

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Newbegin describes the water spray manifold (21) having an axial bore and at least one nozzle (27); the manifold providing communication between the nozzle and the manifold inlet (near or at 19); the manifold having on an end one half of a quick connect coupling (including , e.g., 34), with the coupling axially aligned with the bore as called for in claim 1.

Regarding independent claim 2: element "a" appears substantially to claim 1 above; Newbegin further describes the block (11) having a bore and open at both ends; and the other half of a coupling (33) as called for in claim 2.

Newbegin also teaches the inserting and/or removing as called for in claim 7.

Newbegin also plainly shows a cylindrical shape as called for in claim 10.

6. Claims 1 rejected under 35 U.S.C. 102(b) as being anticipated by Coursey, Jr. (U.S. Patent number 3,107,060).

Coursey describes a manifold (at or near 10) having an axial bore and at least one nozzle (40) the manifold providing communication between the nozzle and the manifold inlet (near or at 23); the manifold having on an end one half of a quick connect coupling (including , e.g., 16 and 17), with the coupling axially aligned with the bore as called for in claim 1.

7. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Radford (U.S. Patent number 4,664,450).

Radford describes a manifold (1) having an axial bore and at least one nozzle (12) the manifold providing communication between the nozzle and the manifold inlet (near or at 28); the manifold having on an end one half of a quick connect coupling with the coupling axially aligned with the bore as called for in claim 1.

8. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Cobb, et al. (U.S. Patent number 4,070,064)

Cobb describes a manifold (fig 4) having an axial bore and at least one nozzle (70) the manifold providing communication between the nozzle and the manifold inlet (near or at 110); the manifold having on an end one half of a quick connect coupling with the coupling axially aligned with the bore as called for in claim 1.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Southern (U.S. Patent Application Publication number 2001/0045472A1) in view of Coursey, Jr. (U.S. Patent number 3,107,060).

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Southern describes the water spray manifold (21) having an axial bore and at least one nozzle (23); the manifold providing communication between the nozzle and the manifold inlet. Southern also describes a quick connect coupling, but not on the end of the manifold and axially aligned. It is noted that this patent represents applicant's previous work.

Coursey describes a similar manifold (10) having a quick connect coupling (16) axially aligned.

One of ordinary skill in the art would have understood the advantage of a quick connect coupling on the manifold: to connect and/or disconnect it quickly. One of ordinary skill in the art would have understood the advantage of axial alignment: to reduce resistance to flow.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the Southern device to have a quick connect coupling axially aligned as called for in claim 1, based on the knowledge available to those of ordinary skill in the art; or, alternatively, based on the nature of the problem solved.

Regarding independent claim 2: element "a" appears substantially to claim 1 above; Southern further describes the block (41) having a bore and open at both ends; but lacks the other half of the quick connect.

The other half of the quick connect is shown by Coursey.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the Southern device to have a quick connect coupling axially

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aligned as called for in claim 2, based on the knowledge available to those of ordinary skill in the art; or, alternatively, based on the nature of the problem solved.

Southern describes a mining machine as called for in claim 3.

Southern describes the slot as called for in claims 4 and 5.

Southern describes the pin (e.g. paragraph 34) as called for in claim 6.

Southern also describes the inserting and/or removing as called for in claim 7.

Southern also describes the spraying as called for in claim 8-9.

Southern also describes the cylindrical shape as called for in claim 10.

With regards to claims 11 and 12: Coursey shows the groove (17) as part of the second (i.e. not claimed in claims 1 and 11) half. Placing the groove on the half located on the manifold is a reversal of parts. The courts have held that such reversal of parts is an obvious expedient, see *In re Gazda*, 219 F.2d 449, 104 USPQ 400 (CCPA 1955).  
10. Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Southern and Coursey as applied to claims 1 and 11 above, and further in view of any one of Ziherl (U.S. Patent number 2,647,796); Holmberg, et al. (U.S. Patent number 2,100,162); and /or Rice, et al. (U.S. Patent number 1,971,120)

Southern and Coursey fails to describe the wire mesh basket covering the inlet.

Such wire mesh baskets are well known for use in combination with nozzles, as taught by each of Ziherl, Holmberg, and Rice. It would have been obvious to one of ordinary skill in the art at the time of the invention to have further modified the Southern device to have a wire mesh basket covering the inlet.

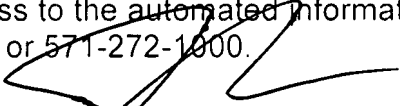


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Kreck whose telephone number is 571-272-7042. The examiner can normally be reached on Mon-Thurs 530am-2pm; Fri: telework.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patricia Engle can be reached on 571-272-6660. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



John Kreck  
Primary Examiner  
Art Unit 3673

25 April 2007